submitted under 35 U.S.C. §111(a), is not applicable to a national stage application such as this one. Applicants respectfully point out the PCT administrative instructions in MPEP, Annex B, Part 1, which provide direction on restriction practice under the PCT rules. The Office has not made out a proper case of restriction under the PCT rules, and the restriction requirement should be withdrawn.

In addition, Applicants wish to point out that Claims 4, 12 and 13 regarding the expression of HLA-G protein should be included in Group II in view of the following:

The method of Claim 1 and the method of Claim 2 relate to the establishment of the profile of HLA-G of a solid tumor: either by establishing the transcription profile or by establishing the protein expression (i.e. translation) profile.

The Office has interpreted the Claims as follows:

Group I: Claims 1, 4, 12 and 13, drawn to a method for HLA-G transcription profile of a solid tumor;

Group II: Claims 2 and 3, drawn to a method establishing the HLA-G expression profile *in view of selecting a treatment comprising antibody labeling.*

The interpretation of the Claims by the Office is not correct. It is an object of the present invention to have means of detecting solid tumors which "express" HLA-G and therefore are sensitive to an anti-cancer treatment which inhibits or prevents the HLA-G activity of said solid tumors. Expression includes both transcription and protein expression. In fact, it is to establish said HLA-G expression profile that labeled antibodies specific for HLA-G are used. They are not used, as alleged by the Office, *in view of selecting a treatment comprising antibody labeling.*

Furthermore, it is not clear why the Office separates transcription and expression, since it is known that translation never occurs without transcription.

In addition, Claims 4 and 12 refer to both transcription and expression (i.e. translation) of HLA-G in solid tumors, so they could be classified in both Group I or Group II. Claim 13 which is directed to a method for monitoring the evolution of a tumor expressing HLA-G implies the detection of the protein. It is therefore not clear why the Examiner has classified this Claim in Group I.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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